IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 317 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHUNILAL KHUSHALCHANDRA JOSHI

Versus

AATAJI BHALAJI THAKOR

Appearance:

1. Appeal from Order No. 317 of 2004

MR JITENDRA M PATEL for Appellant No.

MR PANKAJ K SONI for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 25/01/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 16/08/2004 passed below exh.6 in Special Civil Suit No.55 of 2003 by the learned Civil Judge (S.D.), Ahmedabad (Rural), whereby the said application was rejected.

2. While issuing Notice in Civil Application No.6900 of 2004, this Court had directed the parties to maintain status quo as on that day. The said status quo position was confirmed while admitting this matter. Now, as status quo is operating, it would be appropriate to direct the parties to maintain the said position, till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of the suit being Special Civil Suit No.55 of 2003 pending before the Court of the learned Civil Judge (S.D.), Ahmedabad (Rural) as expeditiously as possible and preferably within a period of three years from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]

pravin/